

HOOVER HULL LLP

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February 1, 2012

VIA E-MAIL

Kent Britt
Vorys, Sater, Seymour and Pease LLP
221 E. Fourth St.
Suite 2000, Atrium Two
Cincinnati, OH 45202

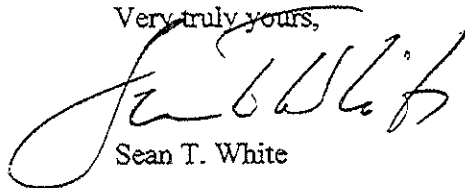
Re: Eastern Livestock's Subpoena to Fifth Third Bank

Dear Kent:

Attached is a undated fax from David Fuller to Devon Morse regarding Eastern Livestock along with a document entitled "Kiting Account Approval Form" dated May 27, 2009. The documents are bates labeled FT014104 and FT014105. Fifth Third did not produce these documents in response to the Trustee's Subpoena Duces Tecum notwithstanding they are responsive to several requests. *See, e.g.,* Trustee's Subpoena Request Nos. 1, 2, 7, 8, 17 and 18. Fifth Third did however produce these documents to the Kentucky AG in connection with the Metcalfe County indictment of Thomas Gibson, Grant Gibson, Stephen McDonald and Darren Branger. Accordingly, we request the Bank to explain how this document was not produced to the Trustee in response to his Subpoena and to supplement its production with any other responsive documents immediately. In addition, we need to confirm the dates of depositions for the Fifth Third employees otherwise, the Trustee will independently notice those depositions.

I look forward to your response.

Very truly yours,



Sean T. White

STW/vkw
Enclosure

cc: James A. Knauer (w/o encl., via e-mail)
John David Hoover (w/o encl., via e-mail)
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313-534-1921 fax 313-534-8400
38 Fountain Square Plaza
Cincinnati, Ohio 45202

Fifth Third Bank

Fax

To: David Morse From: David Fuller
Fax: _____ Pages: 2
Phone: _____ Date: _____
Re: Eastern Livestock
☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

CONFIDENTIAL

FT014104



Bank Protection

5001 Kingsley Drive MD 1MOB23
Cincinnati, OH 45263 Fax: 513-358-5214

Kiting Account Approval Form

I, Bill Hummel & Mike Spiller, have reviewed the suspect activity on account number
714 851 0731
748 0493837. I understand the risk associated with this activity, but believe that based
748 0493779
on the relationship it is in Fifth Third's best interest to maintain this customer's accounts.

Business Case:

Eastern Livestock is a registered cattle broker. As such
they buy and sell cattle from the same customers, deposit
checks from and issuing checks to these entities often at
the same time. A follow up field exam on 5/26/09 substantiated
this and concluded kiting is not taking place.

Name: Bill Hummel

Signature: Bill Hummel

Date: 5-27-09

Name: Mike Spiller

Signature: Mike Spiller

Date: 5-27-09

****Please fax to 513-358-5214****